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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

04-CR-706 (DGT)

U.S. Courthouse
Brooklyn, New York

-against-

TRANSCRIPT OF
TRIAL

ABU BAKR RAHEEM,

June 20, 2008
10:15 a.m.

Defendant.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
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BEFORE:

HONORABLE DAVID G. TRAGER, U.S.D.J.

APPEARANCES:

For the Government:

BENTON J. CAMPBELL, ESQ.
United States Attorney
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Brooklyn, New York 11201

BY: SEAN T. HARAN, ESQ.
JAMES P. LOONAN, ESQ.
Assistant U.S. Attorneys

For the Defendant:

BOBBI C. STERNHEIM, ESQ.

Court Reporter:

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Proceedings recorded by mechanical stenography, transcript
produced by Computer-Assisted Transcript.

HOLLY DRISCOLL, CSR
OFFICIAL COURT REPORTER

1 THE COURT: I want to discuss your letter, what you
2 call the 404(b) and which I guess is a, b, c on your letter.

3 MR. HARAN: The new letter?

4 THE COURT: Yes, about Mr. --

5 MR. HARAN: Mr. Henderson.

6 THE COURT: Mr. Henderson. I'd like your witness
7 just to testify that he met the defendant in 1978 and he
8 doesn't have to say where. Okay. Then you can tell the story
9 about they were working together and received stolen checks
10 and all the other dealings they had.

11 MR. LOONAM: Yes, Your Honor.

12 THE COURT: And the main one that I had trouble with
13 was that they met in jail. All the rest of it is really
14 picayune compared to the basic charge.

15 MS. STERNHEIM: Your Honor, I have yet to completely
16 review all of Mr. Henderson's 3500 material or have an
17 opportunity to discuss it with Mr. Levitt.

18 THE COURT: You can raise it again on Monday but I
19 just want to alert them.

20 MS. STERNHEIM: Thank you.

21 MR. LOONAM: Yes, Your Honor.

22 THE COURT: Now, well, on the cross I'll talk to you
23 on Monday. Okay.

24 MS. STERNHEIM: Thank you.

25 THE COURT: Take care.

1 MS. STERNHEIM: Thank you for the time, Judge.

2 MR. HARAN: And I don't want to do this without
3 Mr. Levitt but at some point I think we'd like to just talk
4 about the book and whether it is really admissible under the
5 pesky Rules of Evidence.

6 MS. STERNHEIM: I would ask --

7 THE COURT: What are you afraid of?

8 MR. HARAN: You know what I'm afraid of, here's what
9 I'm afraid of; I'm afraid of spending hours redacting this
10 thing and then arguing with Mr. Levitt about the redactions
11 and I'm afraid of Mr. Levitt getting up in closing with
12 something that's in evidence and starting to point to pieces
13 of it that the jury should review that are inflammatory or
14 that contradict in some way the defendant's testimony -- I
15 mean the witness' testimony.

16 MR. LOONAM: That he wasn't confronted with.

17 MR. HARAN: That he wasn't confronted with which
18 Mr. Levitt can confront him with whatever he wants to under
19 the rules.

20 THE COURT: I'm afraid you have to do the homework,
21 okay. I'm not, you know -- I can't tell you how to try the
22 case but, you know, you gave more weight to the whole thing
23 with the letter than they could possibly have imagined.

24 MR. HARAN: I didn't know what the letter said, Your
25 Honor. I wanted to know --

1 THE COURT: I understand but sometimes you have to
2 wing it or be brave and accept it. It strikes me once it all
3 came out it didn't exactly hurt you.

4 MR. HARAN: Correct.

5 MR. LOONAM: We agree, there was no inconsistent
6 statement.

7 MS. STERNHEIM: I'll save our remarks for summation,
8 Judge.

9 THE COURT: Yes, I think so. I'm sure you'll try to
10 get every ounce out of it. Anyway, you know, I'm afraid
11 somebody is going to have to go through it, okay, and if
12 there's something inflammatory; I can't imagine there's
13 anything more inflammatory than what we already saw, you know,
14 maybe I have a perverted or after so many years cynical view,
15 I don't exactly see how it hurts you. This is the kind of
16 people they were. What was this defendant doing with them,
17 that's always the problem for a defense based on this.

18 See you on Monday.

19 MS. STERNHEIM: Thank you, Judge. Have a good
20 weekend.

21 THE COURT: You too.

22 (Time noted: 10:35 a.m.)

23 (Proceedings adjourned as above set forth.)
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